

Introduced by Senator Gaines

February 18, 2011

An act to amend Section ~~1202.7~~ of the Penal Code ~~1203.6~~ of, and to add Section 1203.55 to, the Penal Code, and to amend Section 270 of the Welfare and Institutions Code, relating to probation.

LEGISLATIVE COUNSEL'S DIGEST

SB 858, as amended, Gaines. Probation: ~~considerations~~. *Chief Probation Officer of Nevada County.*

Existing law establishes the office of adult probation officer, and provides for the appointment of a probation officer in each county. Existing law provides that the probation officer be appointed by the court, except in charter counties, where the probation officer is appointed by the board of supervisors.

This bill would provide that the Chief Probation Officer of Nevada County be appointed by the Nevada County Board of Supervisors.

This bill would make legislative findings and declarations as to the necessity of a special statute for as to the necessity of a special statute for Nevada County.

The bill would make additional conforming changes.

~~Existing law expresses the finding and declaration of the Legislature that the provision of probation services is an essential element in the administration of criminal justice. Existing law specifies that the safety of the public, the nature of the offense, the interests of justice, the loss to the victim, and the needs of the defendant shall be the primary considerations in the granting of probation.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1203.55 is added to the Penal Code, to
2 read:
3 1203.55. The Chief Probation Officer of Nevada County shall
4 be appointed by the board of supervisors of Nevada County.
5 SEC. 2. Section 1203.6 of the Penal Code is amended to read:
6 1203.6. ~~The~~ (a) Except as provided in Section 1203.55, the
7 adult probation officer shall be appointed and may be removed for
8 good cause in a county with two superior court judges, by the
9 presiding judge. In the case of a superior court of more than two
10 judges, a majority of the judges shall make the appointment, and
11 may effect removal.
12 ~~The~~
13 (b) The salary of the probation officer shall be established by
14 the board of supervisors.
15 ~~The~~
16 (c) The adult probation officer shall appoint and may remove
17 all assistants, deputies and other persons employed in the officer's
18 department, and their compensation shall be established, according
19 to the merit system or civil service system provisions of the county.
20 If no merit system or civil service system exists in the county, the
21 board of supervisors shall provide for appointment, removal, and
22 compensation of such personnel.
23 ~~This~~
24 (d) This section is applicable in a charter county whose charter
25 establishes the office of adult probation officer and provides that
26 the officer shall be appointed in accordance with general law
27 subject to the merit system provisions of the charter.
28 SEC. 3. Section 270 of the Welfare and Institutions Code is
29 amended to read:
30 270. Except as provided in Section 69906.5 of the Government
31 Code, there shall be in each county the offices of probation officer,
32 assistant probation officer, and deputy probation officer. A
33 probation officer shall be appointed in every county.

Probation

Except as provided in Section 1203.55 of the Penal Code, probation officers in any county shall be nominated by the juvenile justice commission or regional juvenile justice commission of such county in such manner as the judge of the juvenile court in that county shall direct, and shall then be appointed by such judge.

The probation officer appointed pursuant to this section may appoint as many deputies or assistant probation officers as the probation officer desires; but such deputies or assistant probation officers shall not have authority to act until their appointments have been approved by a majority vote of the members of the juvenile justice commission, and by the judge of the juvenile court. The term of office of each such deputy or assistant probation officer shall expire with the term of the probation officer who appointed the deputy or assistant probation officer, but the probation officer, with the written approval of the majority of the members of the juvenile justice commission and of the judge of the juvenile court, may, in the probation officer's discretion, revoke and terminate any such appointment at any time.

Probation officers appointed pursuant to this section may at any time be removed by the judge of the juvenile court for good cause shown; and the judge of the juvenile court may in the judge's discretion at any time remove any such probation officer with the written approval of a majority of the members of the juvenile justice commission.

SEC. 4. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique needs requiring direct county administration over adult probation services in Nevada County.

~~SECTION 1. Section 1202.7 of the Penal Code is amended to read:~~

~~1202.7. The Legislature finds and declares that the provision of probation services is an essential element in the administration of criminal justice. The safety of the public, which shall be a primary goal through the enforcement of court-ordered conditions of probation; the nature of the offense; the interests of justice, including punishment, reintegration of the offender into the community, and enforcement of conditions of probation; the loss to the victim; and the needs of the defendant shall be the primary~~

1 ~~considerations in granting probation. It is the intent of the~~
2 ~~Legislature that efforts be made with respect to persons who are~~
3 ~~subject to Section 290.011 who are on probation to engage them~~
4 ~~in treatment.~~

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